

IN THE UNITED STATES PATENT OFFICE

Serial No. 10/ 763,069

Examiner: Patel, T

Filing Date: January 20, 2004

Art Unit 3765

Applicant: Jack G. Halterman

Title: "Body-Supported Air Deflector For Motorcycle Riders"

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO THE REQUIREMENT FOR RESTRICTION

Sir:

In the communication that was mailed August 1, 2006, a requirement was made that the Applicant make an election between the claims that the Examiner grouped into Class I (Claims 1-6) and Class II (Claims 7-20). It was further postulated that the claims in Class I pertain to an air deflector that is worn about the torso, and those in Class II pertain to an air deflector having a closable restraint in the second position. This requirement is respectfully traversed.

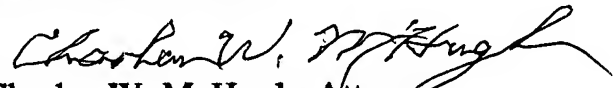
The latest PTO printing of these sub-classes reports that Class 2, sub 69 includes all subject matter that can be properly described as a "body garment." Applicant would agree that his claims are properly categorized as body garments, so this classification would appear to be entirely correct. But sub-class 94 is defined as "body garments, i.e., coats, namely, hunters' and special-article carrying". Applicant would respectfully submit that there is nothing that is, or could be, carried by Applicant's garment. Applicant's flexible strap that holds the flap in an operative position (in front of the rider) operates only on the flap. (This strap is not functional for attachment to a separate item, nor is it functional for carrying anything.) When evaluating Applicant's structure, a person might think of a tie strap that is affixed to a personal umbrella, near the umbrella's handle. When the umbrella is collapsed, it can be held in that position by

wrapping the tie around the collapsed cape of the umbrella. Of course, in Applicant's case there is no need to manually connect a strap to the flap when the flap is to be moved to an operative position; preferably, Applicant's strap is permanently connected to the garment, and the strap cannot be used to attach to (or carry) a separable item.

While Applicant disagrees with the Examiner's separation of the claims into two distinct classes, it must be remembered that all of the claims in sub 94 are within the broad subclass 69--so it's not true that the two sub classes are unrelated. While it is urged that all of the claims be recognized as being directed to a single invention, Applicant provisionally elects the claims in Class II (namely Claims 7-20).

Respectfully,

Jack G. Halterman

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MAILING CERTIFICATE: I hereby certify that this correspondence is being deposited, with U.S. postage prepaid as First Class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

 Sept 1, 2006